

EXHIBIT M

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DUNN CARNEY ONE

01003/014

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

JEREMIAH SCOTT,

Plaintiff,

No. 9812-08640

v.

AFFIDAVIT OF DWAYNE L.
LIDDELL

GREGORY LEE FOSTER, an
individual; THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS,
an unincorporated association, aka,
the "Mormon Church," THE
CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS, a Utah corporation sole,
CORPORATION OF THE
PRESIDING BISHOP OF THE
CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS, a Utah
corporation sole,

Defendants.

STATE OF UTAH)

COUNTY OF SALT LAKE) ss.

Dwayne L. Liddell, being first duly sworn upon oath, states as follows:

1. I am over 18 years of age and have personal knowledge of the facts set forth herein. If

called upon, I am willing and competent to testify to the facts set forth below.

Page 1 - AFFIDAVIT OF DWAYNE L. LIDDELL

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1 2. I currently serve as Assistant Executive Secretary to the Presiding Bishopric of The
2 Church of Jesus Christ of Latter-day Saints. Before assuming my present position I served as the
3 Director of Risk Management for fifteen years. I am familiar with the records maintained by the
4 Church at headquarters for individual members.

5 3. I have been provided with a copy of this Court's order dated January 24, 2001
6 regarding production of documents. Inasmuch as there is no custodian of records for the Church
7 and inasmuch as the various records requested are maintained in various locations, I am
8 providing information on behalf of all Defendants (hereinafter "the Church") as to the efforts
9 made to locate any records relating to Franklyn Richard Curtis ("Curtis") and compliance with
10 the Court's orders. I have reviewed the records produced, spoken with the individuals involved
11 in conducting the searches, and otherwise informed myself relative to the efforts to comply with
12 the Court's order. I am satisfied that every reasonable effort has been made to locate all Church
13 records covered in the Court's order and such records have been produced or are being produced.

14 **RECORDS LOCATED AT CHURCH HEADQUARTERS REGARDING CURTIS**

15 4. First, effort was made to locate all records at Church Headquarters pertaining to
16 Franklyn Curtis, including but not limited to membership records and Reports of Disciplinary
17 Action.

18 5. As Mr. Curtis has been excommunicated from the Church, most historical
19 membership records are kept by the Church's Confidential Records Section. Some information
20 is available on a computer database in the Membership Records Section.

21 6. A supervisor in the Confidential Records section was contacted. He reviewed Curtis'
22 historical membership records and provided copies of all prior membership records of Franklyn
23 Curtis which were available, including paper copies of microfilm/microfiche records.
24
25

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JAMES L. LIDDELL

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1 7. The microfilm/microfiche records in the Confidential Records Section contained
2 copies of membership records dating from June 4, 1990 to December 17, 1985. Records after the
3 June 4, 1990 record were maintained in a computer database. Records from that database have
4 been produced. In addition, the membership record from the units in which Curtis was
5 excommunicated and his temporary membership record following rebaptism were located in the
6 Confidential Records Section. These records have been or are being produced to Plaintiff. The
7 December 17, 1985 record shows that it was a new membership record created for Curtis when
8 he was rebaptized.

9
10 8. I am informed that neither the Membership Records Section nor the Confidential
11 Records Section has a way of searching for earlier membership records because the only way to
12 go back to prior records is by accessing such records by the prior roll and frame number on the
13 earliest record available. Since a new record was created at Curtis' rebaptism, that record does
14 not contain the roll and frame number of a previous record, as Curtis was not a member of the
15 Church between his excommunication and rebaptism. The Church's microfilm/microfiche
16 membership records are not indexed by individual name. Thus, the Curtis membership records,
17 which have been produced are the only ones which Church systems are capable of locating. The
18 Church has hundreds of rolls of microfilm and thousands of sheets of microfiche from the years
19 1976, when Curtis was baptized, until 1983 when he was excommunicated. To locate additional
20 records, someone would have to view each individual entry on all rolls and sheets, which would
21 take an inordinate amount of time.

22
23 9. In addition, the Membership Records Department has searched its computer records
24 and provided copies of all records relating in any way to Curtis. Those records have been
25 produced.

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1 10. The Reports of Disciplinary Action were photocopied from Curtis' file in the
2 Confidential Records Section and were produced in redacted form as ordered by the Court.
3 There are no other known Reports of Disciplinary Action for Curtis.

4 11. A search was also made of financial records at Church Headquarters relating to
5 Curtis. A summary of his tithing payments, listing every ward from which he had paid tithing,
6 was recently produced.

7 12. A search was made of the historical records maintained for the Church by its
8 Historical Department. The Historical Department was provided with a list of all wards within
9 which Curtis had paid tithing, and copies of all available membership records on Curtis. Using
10 this list of wards, the Historical Department checked its records for those wards for any
11 additional documents mentioning Curtis. Copies of documents showing Curtis' patriarchal
12 blessing, his baptism, confirmations, and priesthood ordinations, as well as historical records
13 from individual ward reports from the 1970's and 1980's were copied and produced to Plaintiff's
14 attorneys.

15 13. Up until 1990, individual wards and stakes provided information from local records
16 to the Historical Department. This information included baptisms, ordinations, patriarchal
17 blessings, and similar data. However, not all wards and stakes provided such information and the
18 information was not necessarily complete for those that did. For instance, Historical Records has
19 a Priesthood Ordination Record from the Linwood Oregon Ward which shows Curtis' ordination
20 as an Elder, but it does not have similar records for his ordination as a High Priest. After 1990,
21 such records were no longer sent by local wards to the Historical Department.

22 14. Current local leaders in all wards and stakes within whose boundaries Curtis is
23 known to have resided were asked to search their records for any documents relating to Curtis.
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1 The wards were identified by reviewing all available membership and tithing records. The
 2 wards and stakes contacted were as follows:

3	1976-78	Linwood Ward, Portland Oregon Stake
4	1979-80	Sheridan 1 st Ward, Billings Montana East Stake
5		[The Sheridan 1 st Ward is now in the Gillette
6		Wyoming Stake]
7	1981	Portland 14 th Ward, Portland Oregon East Stake
8	1982	Harrisburg Ward, Harrisburg Pennsylvania Stake
9	1983	Portland 4 th Ward, Portland Oregon East Stake
10	1983	Portland 8 th Ward, Portland Oregon East Stake
11	1984-86	Wyoming Ward, Grand Rapids Michigan Stake
12	1986-87	Grand Rapids Ward, Grand Rapids Michigan Stake
13	1987	Greenville Ward, Grand Rapids Michigan Stake
14	1987	Wyoming Ward, Grand Rapids Michigan Stake
15	1988	Sunnyside Ward, Portland Oregon Stake
16	1988-90	Brentwood Ward, Portland Oregon Stake
17	1990	Grand Rapids Ward, Grand Rapids Michigan Stake
18	1990	Greenville Ward, Grand Rapids Michigan Stake
19	1991-92	Overlook Ward, Portland Oregon East Stake
20	1992	Brentwood Ward, Portland Oregon East Stake
21	1993	Harmony Ward, Portland Oregon Stake
22	1993-94	Overlook Ward, Portland Oregon East Stake
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Local leaders reported that they had searched their files, and no additional records mentioning
 Curtis were located.

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1 15. Local leaders of all wards in the Portland and Portland East Stakes, even those wards
2 in which the Church had no record of Curtis residing, were also contacted and asked to search
3 their records for any records mentioning Curtis. Local leaders reported that no records
4 concerning Curtis were found to exist in any of the wards.

5
6 **ITEM 2 - REPORTS OF DISCIPLINARY ACTIONS FOR PORTLAND AND
7 PORTLAND EAST STAKES**

8 16. To identify Church disciplinary actions in the Portland and Portland East stakes
9 involving child abuse, the Confidential Records Section searched its records for all reports
10 received from the Portland and Portland East Stakes for the period January 1, 1970 through
11 December 31, 1995.

12 17. All reports of disciplinary action which showed "child abuse" or a similar offense as
13 the designated charge (accusation) were provided to the court. In addition, the records of all
14 other cases involving any type of sexual misconduct or any other category of offense which
15 could have included child abuse were examined, and records containing any evidence of child
16 abuse were provided to the court. The Confidential Records Section reports that to the best of
17 their knowledge, no other Reports of Disciplinary Actions involving child abuse allegations exist
18 in the Portland and Portland East Stakes for the period January 1, 1970 to December 31, 1995.

19 18. Scripture and Church policy require local ecclesiastical leaders to send records of
20 disciplinary action to the First Presidency when a disciplinary council is held and the decision of
21 the council is excommunication or disfellowshipment. Nevertheless, we have contacted bishops
22 in all wards in the Portland and Portland East Stakes, as well as the Presidents of those two
23 stakes, and have determined that local wards and stakes hold no disciplinary records concerning
24 child abuse for the period January 1, 1970 through December 31, 1995.
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1 19. Reports of Disciplinary Action maintained at Church Headquarters for persons not
2 the subject of litigation are kept in the Confidential Records Section or the Office of the First
3 Presidency. Counsel has advised that no such Reports exist in the Office of General Counsel or
4 the offices of Kirton & McConkie, except some which are the subject of litigation.

5
6 **ITEM 3 - THIRD PARTY REPORTS OF SEXUAL ABUSE OF CHILDREN -**
7 **PORTLAND AND PORTLAND EAST STAKES**

8 20. Calls were made to all current bishops of wards in the Portland and Portland East
9 Stakes, and to the Stake Presidents of those two stakes. All bishops and stake presidents
10 contacted reported that they had no third-party reports of sexual abuse within their files. As the
11 Court is aware, bishops and stake presidents are lay clergy; bishops serve for approximately 5
12 years, and stake presidents serve for approximately 10 years. By Church policy, upon their
13 release from their duties these individuals should not to take with them any records pertaining to
14 members.

15 21. No attempt has been made to contact each former bishop and stake president who
16 served from 1970 to 1995 to see if any of them had such records inasmuch as such records are
17 not within the possession, custody, or control of the Church. Likewise, no instructions were
18 given to contact each and every bishop and stake president currently serving or serving between
19 1970 and 1995 in other wards and stakes throughout the world to ascertain if they had any such
20 records relating to abuse in the Portland or Portland East Stakes. Such a search would involve
21 contacting approximately 28,000 currently-serving bishops and stake presidents, and
22 approximately 93,000 past bishops and stake presidents to ask them to search to see if any
23 individuals who had been abused in the Portland or Portland East stakes in the past had
24 communicated to them the facts of their abuse, and they had created a record of such contact.
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1 22. A call was made to the Office of the First Presidency of the Church, and a search was
2 made of their files for any third-party reports of sexual abuse of children occurring in the
3 Portland or Portland East Stakes between 1970 and 1995. No such reports were found except
4 those which had resulted in lawsuits which have already been produced to Plaintiff's attorneys.
5

6 23. A call was also made to the North America Northwest Area presidency, which has
7 jurisdiction over ecclesiastical units in Oregon, and a search was made of their files for any third-
8 party reports of sexual abuse of children occurring in the Portland or Portland East Stakes
9 between 1970 and 1995. No reports were found which had not resulted in lawsuits which have
10 already been produced to Plaintiff's attorneys.

11 24. The Church's Risk Management division, and Kirton & McConkie also searched
12 their files for any documents relating to child sexual abuse in the Portland or Portland East
13 Stakes. A search was also made of Office of General Counsel files. The only non-privileged
14 documents found were Complaints which have previously been produced to Plaintiff, demand
15 letters which ripened into lawsuits involving those Complaints, and several demand letters which
16 have already been produced to Plaintiff.
17

18 **CATEGORY 4: LAWSUITS**

19 25. A search was made of all files concerning or in any way related to sexual abuse of
20 children, filed between 1970 and 1995, which are maintained by Kirton and McConkie, the
21 Church's Risk Management Division, and the Office of General Counsel. Complaints from all
22 such lawsuits have been produced to Plaintiff. Although Church procedure directs that the
23 Church's Risk Management Division be made aware of all such lawsuits, it is conceivable that
24 some individual ward or stake handled such a lawsuit on its own, without involving Church
25 Headquarters. Without contacting each of the individual wards and stakes, and each lay
clergyman serving from 1970 through 1995 (approximately 121,000 individuals), it is impossible

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1 to say with certainty that each and every Complaint has been produced. However, all

2 Complaints which have been forwarded to Church Headquarters have been produced.

3 26. The Church and the Boy Scouts have an agreement that any sexual abuse claim
4 arising from Boy Scout activity in a Church sponsored scouting unit will be handled by the Boy
5 Scouts. It is possible that some lawsuits naming the Church as a party or involving the Church
6 exist. However, Risk Management, Office of General Counsel, and Kirton & McConkie are not
7 aware of any specific lawsuit that has not been produced and have no copies of any documents
8 from those lawsuits.
9

10 FURTHER AFFIANT SAITH NAUGHT.

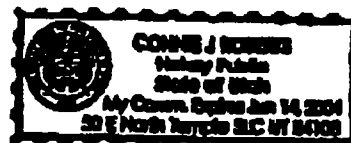
11
12 
13 Dwayne L. Liddell

14
15 STATE OF UTAH)
16 COUNTY OF SALT LAKE)

17 BEFORE ME, the undersigned authority, on this day personally appeared Dwayne L.
18 Liddell, and after having read the above and being duly sworn by me on his oath, stated that the
19 foregoing is true and correct.

20 SWORN TO AND SUBSCRIBED TO on this the 24th day of May, 2001.

21 
22 Notary Public in and for the State of Utah



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